

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

RANDALL E. LUCAS,

Petitioner,

v.

Case No. 05-71990  
Honorable Patrick J. Duggan

H.J. MARBERRY,

Respondent.

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**OPINION AND ORDER**

At a session of said Court, held in the U.S.  
District Courthouse, Eastern District  
of Michigan, on December 16, 2005.

PRESENT: THE HONORABLE PATRICK J. DUGGAN  
U.S. DISTRICT COURT JUDGE

Petitioner Randall E. Lucas (“Petitioner”), a federal prisoner currently incarcerated at the Federal Correctional Institution in Milan, Michigan, filed a writ of habeas corpus pursuant to 28 U.S.C. § 2241 on May 19, 2005. Petitioner challenges the Bureau of Prison’s (“BOP’s”) calculation of his good time credit, contending that the BOP’s calculation violates 18 U.S.C. § 3624(b). This Court referred the petition to Magistrate Judge Paul Komives.

On November 3, 2005, Magistrate Judge Komives filed his Report and Recommendation (R&R) recommending that this Court deny the petition for habeas

corpus relief. Magistrate Judge Komives concludes that the BOP's interpretation of 18 U.S.C. § 3624(b) is permissible, as that interpretation has been upheld by every Court of Appeals that has considered the question, including the Sixth Circuit in unpublished opinions. At the conclusion of the R&R, Magistrate Judge Komives advised the parties that they may object and seek review of the R&R within ten days of service upon them. He further specifically advised the parties that "[f]ailure to file specific objections constitutes a waiver of any further right of appeal." R&R at 10 (*citing Thomas v. Arn*, 474 U.S. 140 (1985); *Howard v. Sec'y of Health & Human Servs.*, 932 F.2d 505 (6th Cir. 1991); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981)). Neither party filed objections to the R&R.

The Court has carefully reviewed the R&R and concurs with the conclusions reached by Magistrate Judge Komives. The Court notes that the Sixth Circuit issued a published opinion on September 19, 2005, holding that the BOP's interpretation of Section 3624(b) is permissible. *Petty v. Stine*, 424 F.3d 509 (6th Cir. 2005).

Accordingly,

**IT IS ORDERED**, that Petitioner's Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 is **DENIED**.

s/PATRICK J. DUGGAN  
UNITED STATES DISTRICT JUDGE

Copies to:

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Magistrate Judge Paul Komives